



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, January 26, 2009, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at p.m.

The following were present:

Mayor Billy Bain
Vice Mayor Rob Youngs
Councilman Bob Best
Councilman Paul C. Dotson
Councilman Xavier Garcia*

* Arrived at 7:03 p.m.

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police Peter G. Baan
Finance Director Leacroft E. Robinson
Comptroller Alicia E. González
Public Works Director Robert T. Williams
Human Resources Director Loretta M. Boucher
City Planner Richard E. Ventura
City Clerk Magalí Valls

2. Invocation: Councilman Dotson offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Pioneer Resident Award – James G. Worth

Mayor Bain presented the Pioneer Resident Award to James G. Worth who has lived in Miami Springs for fifty-seven years.

Mr. Worth introduced his wife Barbara and daughters Nancy and Connie. He presented a short history of his life in Miami Springs and thanked the Mayor and Council for presenting the award.

3B) Introduction of Newly Promoted Lieutenant Steve Carlisle and Sergeant Andrés Quintanilla

Chief of Police Pete Baan said that it was his pleasure to announce the recent promotion of two of Miami Springs' finest Police Officers. He introduced Lieutenant Steve Carlisle and Sergeant Andrés Quintanilla.

Chief Baan explained that Lieutenant Carlisle was initially hired in 1976 as a dispatcher and became a reserve Police Officer. In 1979, he left to work with Southern Bell for five years, but continued to serve as a reserve officer. He returned to the City as a Police Officer in 1984; in 1995 he was promoted to Sergeant and he has been honored as one of the distinguished Officers of the Year.

Chief Baan stated that Sergeant Quintanilla started with the City as a Public Service Aide in 1999 and began the Police Academy in 2002, graduating the first in his class. He is a very sharp individual who always scores very high on the promotional tests.

Sergeant Quintanilla thanked the Mayor and Council and Chief Baan for his promotion. He said that it is an honor to be working for Miami Springs and he will do his best as Sergeant. He introduced his family and girlfriend who were present.

Lieutenant Carlisle stated that it has been great working for the City for twenty-five years and he enjoys his job and going to work every day. He is dedicated to do the very best in his new position. He introduced his wife and mother who were present.

(Agenda Item 3C was presented after 10E)

3C) Greetings from New State Representative Erik Fresen

Newly elected State Representative Erik Fresen, District 111, introduced himself to everyone. He explained that his District covers seven cities, including Miami Springs and he recognizes the interest, on behalf of the Mayor and the citizens, in creating a true synergy between the municipal and other government branches.

Representative Fresen assured Council of his commitment to Miami Springs and his open door policy that allows true communication between the City and the State. He knows that recreation centers are one of the anchors to the quality of life in a community and he is aware of the need for the new Community Center in Miami Springs. He is also aware of wastewater issues and other needs.

Representative Fresen announced that a Town Hall meeting was scheduled for Tuesday, February 24, 2009, in the Council Chambers at City Hall, from 6:30 to 8:30 p.m., hosted by Mayor Billy Bain.

Councilman Best congratulated Representative Fresen on his election to office. He asked about the results of the special Legislative session and what direction was given for the regular session.

Representative Fresen said that the special session allowed the opportunity to be more proactive and cautious in light of the economic situation, which is not good. There was unprecedented growth from 1999 when he first became a Legislative Aide until 2005, in the tax collection and revenue that the State was experiencing. During the regular session they will more than likely pass a budget that is \$3.5 to \$4.5 billion less than last year. This allows the opportunity to reform the inefficiencies that exist in the State government.

Councilman Dotson thanked Representative Fresen for coming to the meeting. He expressed his concern about education and whether or not there will be enough revenue to keep the schools from falling to a substandard level.

Representative Fresen stated that he worked with the Education Committee and he is an advocate on behalf of all issues concerning K-12, parental choice and the expansion of quality programs. He sits on both the House K-12 policy and appropriations committees. The largest portion of the State budget has always gone to K-12 education in order to comply with the State Constitution provision to provide free and public education that is equitable to all.

When reducing the budget it must be done proportionately, which means looking at all areas, including education, according to Representative Fresen. This can be done by imposing cuts across the board or by delving into education and recognizing that there are onerous requirements that are not focused on the classroom, but more on bureaucracy. There should be more of an emphasis on those “deliverables” that have an impact on the classroom. His duty and focus is to make sure first and foremost that any education cuts will be targeted at the bureaucracy and peripheral portions of the education system.

Representative Fresen stated that the focus during the next session will be on the tax structure and the approach to revenue intake that is obsolete given the fact that the tax structure has not changed much in fifty years. He offered to provide updates to the City during the Legislative session.

To address the Mayor’s concern, Representative Fresen said that he was aware of the fact that Miami-Dade and Broward County do not receive a proportional amount of funds from the State. Other communities north of Palm Beach County have also grown and they are no longer receiving proportionate dollars. He is aware of the recent resolutions and he will address the issue.

Vice Mayor Youngs stated that he would like the tax revenue to come back to the municipalities rather than the counties because dollars could be lost in the bureaucratic process. He would like to keep the no state tax incentive that attracts businesses to the State and still have enough revenue for the residents.

Councilman Garcia thanked Representative Fresen for making himself available. He will present his questions at the February 24th Town Hall meeting.

Outreach Coordinator José Fuentes stated that even during difficult times they have been able to secure funds for Miami Springs with the support of former Legislative Representative Marco Rubio, including \$250,000 for the Community Center and \$250,000 for the storm drainage project. He knows that working together with Representative Fresen could accomplish many things.

Mr. Fuentes offered his services as the Outreach Coordinator and thanked the Mayor and Council for giving The Wren Group the opportunity to serve the City.

Mayor Bain asked the Barry University students who were in the audience to come forward to introduce themselves.

A Barry University Student who lives at 601 South Drive explained that one of the final projects in her last four months of nursing school is to choose a community to help and the study group decided to select Miami Springs. She asked Council for their help to identify a health related project that they could undertake that would help the residents.

4. Open Forum:

Tree Trimming Complaint

Mary A. McLees of 1101 Falcon Avenue complained that the City cut twelve of her palm trees away from the alleyway and now she has a view of the “McMansion” behind her house. A representative from the City said that they are not required to inform the residents before they cut trees on private property. She is concerned that the practice of arbitrarily cutting trees will continue and she hopes that the City would be more respectful of the residents’ properties.

5. Approval of Council Minutes:

5A) 01/12/2009 – Regular Meeting

Minutes of the January 12, 2009 Regular Meeting were approved as written.

Councilman Best moved the item. Councilman Garcia seconded the motion, which carried unanimously on roll call vote.

6. Reports from Boards & Commissions:

6A) 10/16/2008 – General Employees' Retirement System – Minutes

Minutes of the October 16, 2008 General Employees' Retirement System meeting were received for information without comment.

6B) 10/16/2008 – Police Officers and Firefighters' Retirement System – Minutes

Minutes of the October 16, 2008 Police Officers and Firefighters' Retirement System meeting were received for information without comment.

6C) 11/06/2008 – General Employees' Retirement System – Minutes

Minutes of the November 6, 2008 General Employees' Retirement System meeting were received for information.

6D) 11/06/2008 – Police Officers and Firefighters' Retirement System – Minutes

Minutes of the November 6, 2008 Police Officers and Firefighters' Retirement System meeting were received for information.

6E) 01/13/2009 – Recreation Commission – Cancellation Notice

Cancellation Notice of the January 13, 2009 Recreation Commission meeting was received for information without comment.

6F) 01/14/2009 – Golf and Country Club Advisory Board – Cancellation Notice

Cancellation Notice of the January 14, 2009 Golf and Country Club Advisory Board meeting was received for information without comment.

6G) 01/15/2009 – Historic Preservation Board – Minutes

Minutes of the January 15, 2009 Historic Preservation Board meeting were received for information without comment.

6H) 01/22/2009 – Code Review Board – Cancellation Notice

Cancellation Notice of the January 22, 2009 Code Review Board meeting was received for information without comment.

Councilman Dotson commented that the November 16, 2008 Retirement Board minutes indicate the reduction in market for the quarter ending September 30th. It appears that the General Employees Pension Fund lost about \$900,000 and the Police and Fire Pension Fund lost about \$1,250,000. This is an indication of the difficulty in trying to invest monies with the lack of control of many investment groups. He felt that the focus should be on preserving the principal, rather than trying to make a lot of money in the current market. He would like this proposal to be presented to the Retirement Boards for consideration.

7. Public Hearings:

None.

8. Consent Agenda: (8A and 8B were simultaneously approved)

8A) Recommendation that Council Approve an Expenditure of \$4,164.60 to Lou's Police & Security Equipment, Inc., as provided in Section 31.11 (C) (1) of the City Code, and \$388.50 to Lawmen's & Shooters' Supply, Inc., as provided in Section 31.11 (E) (5) of the City Code to Purchase Five (5) Bushmaster Carbon 15 P21s Pistols, Including Magazines and Cases for Police Motorcycle Officers, to be Paid out of the Law Enforcement Trust Fund

City Manager Borgmann read the title of the consent agenda items requesting approval for expenditures from the Law Enforcement Trust Fund.

City Attorney Seiden clarified for the record that there was language missing from the titles of both consent items. In reference to 8A, Section 31.11 (C) (1) falls under the City Manager's authority. In this case, in accordance with the Code, there are three written quotes and the purchase is pursuant to the City Manager's authority. The second part of 8A requesting approval of \$388.50 is pursuant to Florida State Contract # 686-050-09-1, as provided in Code Section 31.11 (E) (5).

To answer the Mayor's question, Chief of Police Peter G. Baan explained that the firearm is a shortened version of the Bushmaster .223 caliber Patrol carbine. This weapon is classified as a pistol because of the length (7"), and it has the same capability and magazine capacity.

Vice Mayor Youngs moved to approve. Councilman Dotson seconded the motion which was carried 5-0 on roll call vote.

8B) Recommendation that Council Approve an Expenditure of \$949.97 to Sun Cycling Center, as provided in Section 31.11 (C) (1) of the City Code to Purchase one Cannondale Enforcement Police Bicycle

City Attorney Seiden explained that because the expenditure is under \$1,000 there was no need for additional quotes.

City Manager Borgmann clarified that any expenditure from the Law Enforcement Trust Fund must be approved by Council regardless of the amount.

Vice Mayor Youngs moved to approve. Councilman Dotson seconded the motion which was carried 5-0 on roll call vote.

9. Old Business:

9A) Appointments to Advisory Boards by the Mayor and Council Members

There were no appointments to advisory boards.

10. New Business:

10A) First Reading – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-025, Awnings and Canopies in all Zoning Districts, by Establishing a Horizontal Area for Commercial Canopies; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

City Attorney Seiden explained that this item was discussed at the previous Council meeting, presented as a recommendation by the Board of Adjustment to provide a specific category for commercial properties. Section (D) specifies that the horizontal area for residential areas is 450 square feet, and the new Section (E) specifies the horizontal area for commercial/business as 750 square feet, as discussed at the prior meeting.

Councilman Best moved the item. Councilman Garcia seconded the motion which was carried 5-0 on roll call vote.

10B) First Reading – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 93-14, Theft of Recycling Containers and Unauthorized Removal of Recyclable Materials, by Expanding the Ordinance Prohibitions to Include the Theft of Items of Garbage, Rubbish and Waste; by Providing for the Expansion of Locations from which Items May not be Taken; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

City Attorney Seiden explained that this item was discussed at the previous Council meeting as a result of complaints about items being pilfered from the containers. He said that the ordinance increases the prohibition of items that will not be allowed to be taken from the containers, and the language was expanded to include alleyways.

City Attorney Seiden noted that the biggest changes were made in Section (B) (4), which is intended to provide a means by which the City and the Police Department may prevent the theft of garbage, rubbish and waste from the various collection receptacles located along and on City streets, curbs, sidewalks, swales, driveways or alleys. The phrases “curbside or any other approved locations” and “the placement of any garbage, rubbish or waste or white goods” were added for enforcement purposes. He felt that the additions included all the items that had been discussed.

Councilman Garcia moved to approve. Vice Mayor Youngs seconded the motion which was carried 5-0 on roll call vote.

10C) Resolution – A Resolution of the City Council of the City of Miami Springs Calling for the Holding of a Special Election for the City on April 7, 2009; Specifying the Purpose of the Special Election; Setting Forth the Ballot Question for the Special Election; Delineating Authorization and Direction to the City Clerk; Providing an Effective Date

City Attorney Jan K. Seiden read the resolution by title.

Attorney Seiden stated that Vice Mayor Youngs asked him to prepare a proposed ballot question regarding the current and impending annexation application. He explained that the boundaries described on page four of the resolution are not 100% certain, but they are accurate enough to allow the public to make an informed decision.

City Attorney Seiden continued to say that the City Clerk advised him that the deadline to add the question to the current ballot would be February 6, 2009. The Mayor requested that the item be placed in the proper format should Council decide to place this on the ballot for the General Municipal election.

Attorney Seiden explained that a Special election was initiated by the citizens for a Charter amendment provision on annexation and if this resolution is passed, it would ask the Elections Department to place the question of approval for the pending annexation on the ballot so that the citizens could voice their opinion. This is the last opportunity for placing additional questions on the ballot in order to avoid having to pay for another election.

Councilman Dotson stated that he favored a vote by the residents prior to his election to Council four years ago. He felt that annexation would be a major life changing experience for the City, and would merit the vote of the residents.

Councilman Dotson added that County Commissioner Rebeca Sosa had promised to conduct a straw ballot, which she has not had the opportunity to do mainly because of the City's lack of progress in that direction. He felt that annexation had more merits than not and it was an important decision for the City and its future.

Councilman Dotson said that the resolutions and the application are important in that they ask for qualifications in some of the negative aspects associated with annexation, including the terminal ordinance and land use authority involving the railroad property. There is some hope that the railroad will not resist annexation; other factors include mitigation and pollution and if annexation can be done successfully it could be a boon to the City.

Councilman Dotson believes that a vote of the residents is proper. He explained that Vice Mayor Youngs had been involved in the annexation process for a long time, his judgment is worthy and he appreciates this resolution.

Vice Mayor Youngs thanked Mayor Bain for placing this item on the agenda and for Council's support of his idea. Council had said from the beginning that it would be inappropriate to have a vote of the residents until there was a particular proposal with specific boundaries that would allow a decision as to whether or not annexation is beneficial for the City and the residents. An agreement was finally reached within the last few months thanks to the efforts of the Mayor and Council and the compromise with the Village of Virginia Gardens.

Vice Mayor Youngs stated that the Corradino Group is preparing an analysis to determine whether or not it would be feasible to still provide services for the annexation area. He felt that the intention of Council has always been for the residents to vote. The previous annexation of the Abraham Tract turned out to be a great success and the pending annexation is larger.

The other cities involved have endeavored to go forward without a vote of their residents, according to Vice Mayor Youngs. He clarified that a vote would be voluntary; it is not legally required. Council does not want the vote to delay the annexation process or hold up the other cities, which is not likely to happen because the annexation applications must be reviewed by the County sub-committees before they go to the County Commission.

Vice Mayor Youngs said that Council had voted approximately five or six times in favor of annexation of this very land since the process began in 2003. Council should not allow anyone or any comments to denigrate the fact that the City of Miami Springs is submitting this application. If it comes to a County Commission vote prior to April 7th, the City is not asking to slow down the process, but it is not practical that it would come to an issue before that time.

Vice Mayor Youngs reinforced the fact that if the resolution is approved it does not in any way mean that Miami Springs is less interested in going forward with the annexation that all four cities agreed to. The annexation consultant has been instructed to prepare the annexation amendment as soon as possible and the City Attorney has been asked to do advance work.

Vice Mayor Youngs stated that the City has the authority to go forward with annexation whether or not it is done before or after the vote. He explained that the additional Charter amendment question that is on the ballot says in general “should the City Charter of the City of Miami Springs be amended to allow the voters of Miami Springs to vote on any annexation proposal”. If the citizens pass that amendment, they will also have the ability to exercise that right to vote on the additional Charter amendment.

Councilman Best thanked Vice Mayor Youngs for all his work on annexation. He feels that annexation makes sense for the City, especially the new version. The residents will receive information from the forthcoming Corradino report explaining the pros and cons of annexation.

Councilman Garcia applauded Council and the Mayor for having the patience to wait for all the information to come forth before putting the question to a vote of the people. He believes that the Corradino report will provide sufficient information for the residents so that they can make an educated decision on annexation.

Mayor Bain commented that now that the boundaries can be presented with accuracy he feels that the residents will vote in favor of annexation. It is most important to have a resolution on the table so that the residents and the future elected officials can make an absolute decision. He added that the timing is perfect because it will not cost the City to place the additional question on the ballot.

Mayor Bain stated that Vice Mayor Youngs had been involved in the annexation negotiations early during the process and he himself had been involved for the last 1-1/2 years. He felt that it would hinder the next Council and the residents if a decision is not made on April 7th.

Attorney Seiden said that the positive aspect of the additional question is that it eliminates any question should the Charter Amendment ballot question pass because there could be legal issues. Everyone should know that the boundaries in the resolution are the boundaries that all four cities agreed on, but there could be minor adjustments, which in his opinion would not affect the validity of the vote because the citizens will be voting on the concept of annexation in this particular area.

Vice Mayor Youngs reiterated that Council had voted before to move forward with annexation. This particular Council has chosen to put it to a vote of the people, which he supports. He implores Council to do everything possible to educate the public about annexation and not to rely on what is published in the paper or what people hear on the streets. Council, as the elected officials, are the representatives of the people and it is their job to inform the public of the facts.

Councilman Garcia moved to adopt the resolution. Councilman Best seconded the motion.

Councilman Dotson asked if there had been any discussion or prospects that indicate there could be a change in the boundaries.

Vice Mayor Youngs clarified the boundaries as set forth in the following ballot question:

“Shall the City of Miami Springs annex the property contained within the area from north of the centerline of 36th Street on the south, to south of the centerline of 74th Street on the north, except for certain ‘out parcel’ areas, to the westernmost pavement of Ludlam Drive on the east, to the pavement of the service road parallel to the Palmetto Expressway on the west?”

Vice Mayor Youngs stated that the area is two sections of land, which is approximately two square miles, including the Metro-Rail maintenance facility and the rail yard. The outer parcel on the north boundary line was a compromise with the Town of Medley, which is described as “south of the centerline of 74th Street on the north, except for certain “out parcel” areas. He explained that the “out parcel” is a triangle shape across the street from the Medley Town Hall.

City Attorney Seiden commented that Council had previously received a copy of the map and he used the exact diagram for the proposed Interlocal agreement that he prepared for the Town of Medley in regard to sharing enforcement on N. W. 74th Street in the area.

Councilman Best appreciated the fact that the question was worded so that the voters will understand the question.

The motion carried 5-0 on roll call vote (Resolution No. 2009-3427).

10D) Resolution – A Resolution of the City Council of the City of Miami Springs Opposing and Protesting the Efforts of Miami-Dade County to Deny any City’s Water & Sewer Utility the Same Rate-Setting Authority Granted to all Municipalities in the State of Florida that Operate Water or Sewer Utilities Outside their Municipal Boundaries; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

Attorney Seiden stated that Council had asked him to prepare this resolution in response to requests from various cities throughout the State of Florida that supply extra jurisdictional water and have the right under Florida State Statute §180.191 to charge a special surcharge that helps to support the transmission of the water and its maintenance. The City is no longer involved in the sale of water since the transfer of the system, but it was allowed to charge the surcharge for many years and passing this resolution would be offering support to those systems that still operate independently.

Councilman Dotson moved to adopt the resolution. Councilman Best seconded the motion which was carried 4-0 on roll call vote. (Councilman Garcia was absent at roll call) (Resolution No. 2009-3428).

10E) Site Plan Review – Case # 08-ZP-08 – 4299 N. W. 36th Street – Zoning: AHMBD; Airport, Highway, Marine Business District – Lot size: Approx. 272 ft. x 474 ft. – Installation of a New Identification Sign for a Hotel Conversion at the Wachovia Bank Building

City Manager Borgmann read the case number, address, zoning district and lot size for the stated property at 4299 N. W. 36th Street, which is requesting permission to install a new identification sign for a hotel conversion at the Wachovia bank building.

City Planner Ventura stated that the Applicants, 4299 Miami Springs LLC, received preliminary approval for this site plan proposal at the January 5, 2009 meeting of the Zoning and Planning Board:

“Board member Fajardo moved to approve the placement of the proposed sign for six months from the date of site plan approval, with the understanding that the Applicant can ask for an extension, depending upon how quickly construction is moving along. Board member Espino seconded the motion, which passed unanimously on voice vote”.

City Planner Ventura read from the applicable sections of Code §150-161 (E), which states that any sign in this district requires final approval from the City Council after the decision from the Zoning and Planning Board. He explained that the Wachovia bank building at 4299 N. W. 36th Street is undergoing a conversion into an Eurobuilding Hotel and Suites, Miami. The proposed “grand opening” sign will be mounted flat against the south elevation of the building, as shown in the plans. The sign has a total area of 480 square feet, which will not exceed 10% of the wall area on which it is being installed.

City Planner Ventura continued to explain that the sign does meet the Code Requirements with regards to maximum area allowed, and did require a variance from the Board of Adjustment. He has visited the site and taken pictures; the sign will be facing N. W. 36th Street and will not have a great visual impact on the six-story building. Staff recommends approval for the sign, with the proviso that an extension may be granted after six months if needed.

Councilman Best noted that the sign would face south and not intrude into the neighboring residential area.

Councilman Best moved the item and Councilman Dotson seconded the motion.

Councilman Dotson asked about the sign composition and how it would be mounted.

Mr. Olmedo Hernandez of 4299 N. W. 36th Street believed the sign was composed of a vinyl-like material and it would be attached to the window on the south side of the building.

In response to Councilman Garcia's question, Mr. Hernandez agreed that he is the engineer and a professional sign company would install the sign.

Councilman Garcia noted that the sign company would have to obtain a permit before the installation. He believed that they would put grommets on the sign and bolt it to the building. He asked Mr. Hernandez if the sign would have micro perforations or be of a solid material.

Mr. Hernandez responded that the sign would be solid and attached to the windows of the building.

City Attorney Seiden pointed out that Code allows for the sign to be displayed for up to 18 months, but the Board of Adjustment felt that it would be more appropriate for the sign to be mounted after the site plan approval was granted, and an extension could be requested if needed.

Vice Mayor Youngs commented that the Board of Adjustment made an astute decision to limit the time for the placement of the sign.

The motion was carried 5 – 0 on roll call vote.

(Mayor Bain called for a 5-minute recess)

10F) Resolution – A Resolution of the City Council of the City of Miami Springs Providing for the Fifth Amendment to the FY2008-2009 Budget; Providing for an Increase in the Law Enforcement Trust Fund Budget Within the City Special Revenue Fund Budget; Finding the Appropriateness of the Budgetary Amendment Set Forth Herein; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

Chief of Police Peter G. Baan explained that Law Enforcement Trust Fund expenditures are used to supplement police equipment for which funds are not included in the regular budget. He said that according to Finance Director Robinson, the budget should be amended by the amount of funds that are expended from the Trust Fund.

Chief of Police Bann suggested placing a certain amount of funds in the budget next year from the Law Enforcement Trust Fund to cover miscellaneous expenditures. The Finance Director recommended incorporating additional funds at this time for future purchases this Fiscal Year. He estimated \$50,000 and any funds that are not spent would go back into the Law Enforcement Trust Fund.

Councilman Garcia moved to adopt the resolution. Vice Mayor Youngs seconded the motion which was carried 5-0 on roll call vote (Resolution No. 2009-3429).

11. Other Business:

11A) Presentation of First Quarter Financial Statements for FY2008-2009

Finance Director Leacroft E. Robinson presented the first quarter budget report for Fiscal Year 2008-2009. He complimented Comptroller Alicia González and the Finance Department Staff for doing a tremendous job in the last six months.

To answer the Mayor's question, Mr. Robinson explained that the auditors left the building last week and they are communicating via e-mail. He hopes to present the audited financials to Council during the second meeting in February.

Finance Director Robinson stated that an adjustment was made in the revenue projection due to some budget issues that the State is facing. The projection is a loss of \$100,000 for Intergovernmental revenue, primarily in the form of sales tax. With the current economy, there will most likely be a reduction of investment income and the overall impact to the revenue is a reduction of \$171,540 for Fiscal Year 2008-2009.

Finance Director Robinson projects that expenditures will remain constant with the budget; typically in past years expenditures have come in under budget. Through the first quarter, the expenditures are 21% of the entire Fiscal Year budget. This is slightly under budget, but there are some seasonal factors.

The projected change in Fund Balance is – \$266,518. Keep in mind that most of this amount is the first budget amendment for encumbrances that were rolled over from Fiscal Year 2007-2008, according to Mr. Robinson. He clarified that this does not impact current operations.

Finance Director Robinson referred to the Schedule of General Fund Budgeted and Projected Revenues for the Period ending October 31, 2008. He commented that the numbers shown for year-end Fiscal Year 2007-2008 will be updated to reflect the final audited numbers. Total revenues are at 48% compared to budget, the same as last year for the first quarter.

The Schedule of Expenditures indicates that most General Fund departments are at 25% or below for the first quarter, according to Mr. Robinson. There is no projection for a fund balance increase, but for the year ended December 31, 2008, the fund balance would have increased by \$3.3 million.

Finance Director Robinson stated that the report summarizes the other funds, which he will expand upon after the second quarter report as it relates to capital projects.

Councilman Dotson was interested in the Golf Course because the report shows an excess deficiency of revenue over expenditures of \$67,055.

Finance Director Robinson directed Council's attention to number five at the bottom of page three highlighting the Golf Course Fund. He said that charges for services were \$314,358 or 22% of the budget while expenditures of \$381,413 were 24% of budget. The net change in fund balance for the period was a negative \$35,999.

Councilman Dotson stated that this time of the year should be the best months for the Golf Course. He asked for the Finance Director's evaluation of where the Golf Course stands this year compared to last year's ending budget.

Finance Director Robinson offered to provide a detailed quarterly report at the next meeting showing the comparison between the first quarter this year and last year.

Councilman Dotson commented that he has heard negative numbers about the Golf Course. He is interested to know how the Golf Course really stands compared to last year in order to tell whether or not there are any control problems.

Vice Mayor Youngs stated that he is interested in knowing whether or not a mid-year budget correction should be made in order to prevent a large loss at the end of the year. He will be asking the Finance Director's advice when he presents the detailed report at the next meeting.

11B) Discussion of Recreation Director Position (Councilman Dotson)

Councilman Dotson was concerned about misinformation regarding the situation at the Recreation Center. He feels that it is important to clarify this matter, how it stands and what is going on. He read the following statement:

"On January 8, 2009 I received an e-mail from the City Manager notifying that our recently appointed Recreation Director had resigned. In that same e-mail I was advised that I would receive a copy of the resignation letter in City mail the next day, January 9th. I did."

I believed the case was closed and I advised several people who inquired of me that the Recreation Director had resigned. It seemed to me that at this point the City Manager should make a statement that this resignation had taken place, but he didn't. On January 22nd I picked up the newspaper and found an article saying that the resignation was still up in the air. The article went on to say that the resignation had not been accepted, and that the City Manager wanted him to stay. The Recreation Director was quoted as saying "it's all about politics". Well, it's not about politics. It's about the question of improper conduct and problems with the résumé. These are problems that the City Manager is responsible for investigating, and he has investigated them, and any resignation that occurs would involve the results of such an investigation.

I want to emphasize that it is my view an unforgivable management failure to notify the Council that a man has resigned, and then just say nothing to the contrary before a newspaper article states otherwise two weeks later. This total communication blackout is totally unacceptable. If it had been decided that the resignation should not be accepted, then the initial resignation notice should not have been announced.

The report that Ms. Boucher prepared did not deal with apparent résumé problems. The primary résumé problems brought into question the accuracy of previous job titles as well as the total absence of any salary history. If the proper vetting of the job application and employment history had occurred, we might have avoided the kind of mistake that has been experienced. This whole episode has been fraught with poor judgment management failures and a communications disaster. It reflects badly on our City and it is urgent that we expedite the adoption of measures that will minimize the possibility of these same events occurring again. Everyone we hire, especially Department Heads, should be subject to a professional screening system that is unbiased and respectful, and no attempts to give privileged people a special pass.

Both the Council and the Administration have serious responsibilities when it comes to dealing with the consequences that failures of this kind can bring. Copies of my original letter to the City Manager on January 9, 2009 on this subject were given to the Mayor, Council members and City Attorney. I would appreciate the comments any of you might be willing to make at this time. Thank you."

Mayor Bain stated that he had no comments at this time.

Vice Mayor Youngs asked if Councilman Dotson was looking for comments regarding changing the structure of the process.

Councilman Dotson said that he would welcome any positive contributions to better the process in the future.

Vice Mayor Youngs commented that it was a stressful series of events to happen. He did not see any structural changes, but he would be open to discussing the matter at a future meeting.

Mayor Bain suggested that the hiring process guidelines be placed on a future agenda so that Council can review, evaluate and suggest changes. He did not feel it was appropriate to make changes until the process was reviewed.

Council agreed to place the matter of hiring practices on the next agenda for discussion.

12. Reports & Recommendations:

12A) City Attorney

Annexation Comments

City Attorney Seiden stated that the last issue of the River Cities Gazette contained an article about an opinion that the Virginia Gardens Attorney chose to make public about Miami Springs. The comments that were made were inaccurate, inappropriate and ill timed with reference to whatever Miami Springs is doing on annexation. His opinion is that the Attorney for Virginia Gardens should mind his own business and not comment on Miami Springs' matters of which he has no knowledge.

Attorney Seiden said that there were many inaccuracies in what the Virginia Gardens Attorney said and with Council's authorization he will send a letter to the Editor that addresses every one of the inaccuracies in the statements that were made.

Councilman Best stated that he would be in favor of a statement or position in regard to the allegations made by the Virginia Gardens Attorney.

Mayor Bain commented that there is a fine relationship between the Village of Virginia Gardens and Miami Springs' elected officials and the public. He does not feel that the City Attorney should write a letter against the comments made by the Virginia Gardens Attorney.

Councilman Dotson said that based on the strength of the City Attorney's remarks that he would like him to write the letter. People who abuse their privileges in the way they talk about Miami Springs should be set straight.

Councilman Garcia felt that rebutting statements that are not true would take time away from doing the job at hand, which is getting the facts about annexation out to the public. He was of the opinion that not many Miami Springs' residents paid much attention to what the Virginia Gardens' Attorney said. He would like to focus on getting the annexation information out to the residents. County Commissioner Rebeca Sosa has conveyed the fact that Miami Springs can still move forward with annexation.

City Attorney Seiden commented that the statements made by Virginia Gardens Mayor Deno were appropriate. The Village Attorney decided to speak at the end of the meeting against Miami Springs by saying that going forward with annexation would violate the City's Charter and State Law. He does not want the matter to go unaddressed.

Vice Mayor Youngs felt that the City Attorney should respond to the false statements that were made, which were upsetting because it appears that there is a feud between the two cities. The relationship between the officials and residents of both cities is very good and officially the four cities have reached an agreement on the boundaries with a commitment to work together to implement those boundaries as soon as possible. He said that annexation would be good for both cities and perhaps Miami Springs should not make an issue other than expressing the facts.

Councilman Garcia commented that the River Cities Gazette reported on what happened at the Virginia Gardens' meeting; their Village Attorney did not write a letter to the Editor. Perhaps, the Gazette will do their job by following up on the matter and reporting the facts about annexation.

City Attorney Seiden agreed with Councilman Garcia that he could talk to Tom Curtis and perhaps he could address the information in the same manner.

Mayor Bain understands that it is hard to deal with untruths, especially for the City Attorney because he is a professional.

Councilman Best stated that in this particular case perhaps the City should state their position to the free press, allowing equal time.

City Attorney Seiden will speak with Tom Curtis, Publisher of the River Cities Gazette.

Meeting

Mayor Bain asked the City Attorney to report on the meeting that they both attended with Judge Farina in regard to the residential mortgage foreclosure program.

City Attorney Seiden said that nothing had really changed since his last report.

Mayor Bain commented that the idea is to help people save their homes from foreclosure before going through the court system. He said that it was interesting to be there and learn how the system works.

Attorney Seiden explained that the plan that was proposed by the Mayor of North Miami was based on a program similar to the program that was instituted by the City of Philadelphia, which is a very complex process, but they have the funding. The judges were very candid by saying that there is no funding for such a program, but they are trying to streamline the process by instituting an initial mediation before the litigation process.

12B) City Manager

Shuttle Bus Brochure

City Manager Borgmann distributed a draft copy of the brochure outlining the Shuttle Bus information. He suggested one change on the front cover to substitute a photograph of the actual bus for the cartoon caricature so people will be able to identify the vehicle as it approaches.

There were complaints that the bus did not stop for people who were trying to flag it down, but it could have been that it was the Senior or Recreation Center van. A route change was made based upon a resident's suggestion. The bus was taken off 36th Street on the westbound track; it now goes down Oakwood Drive to South Drive, back to 36th Street, to Palmetto Drive, to Fairway Drive past the hotels, and down Eldron Drive to the Country Club. The new route that is reflected in the brochure should be the final version, which is much safer for people trying to flag down the bus.

City Manager Borgmann asked Council to contact him with any changes before the brochure goes to press. Councilman Garcia asked to number the blue dots on the route to correspond with the numbers in the legend.

Annexation Information

City Manager Borgmann said that a brochure would be sent out with annexation information that is based on the actual application provided by The Corradino Group. The information will be provided in English and Spanish with the new map and updated information since the last brochure was mailed out.

Insurance Credit

City Manager Borgmann reported that the City received a credit from the Florida League of Cities Municipal Insurance Trust of \$24,500 for the vehicles that were transferred to Miami-Dade County Water and Sewer.

Recycling

City Manager Borgmann stated that everyone should have received the new recycling calendar and the new information packets should be received in the mail within the next week. The next pick up is scheduled on Wednesday, January 28, 2009. The information is posted on Channel 77 and the City's website.

Baseball Sign-ups

City Manager Borgmann announced that baseball sign-ups are every Saturday from 10:00 a.m. until noon.

Daddy/Daughter Banquet

City Manager Borgmann reported that the Daddy/Daughter banquet will be held on February 21, 2009 at the Miami Springs Country Club. Tickets are available for \$30.00 per couple at the Recreation Center during the day.

Mandatory Pre-bid Meeting

City Manager Borgmann stated that a mandatory pre-bid meeting would be held on Tuesday, January 27, 2009 for the Curtiss Mansion Restoration Bid # 02-08/09. The first bid packet did not include a form, which resulted in discarding all the bids.

Carlos Santana Contract

City Manager Borgmann stated that per the contract with Mr. Santana, the City received the first \$10,000 that is to be paid in the third, fourth and fifth year of the contract for the kitchen equipment that the City purchased upfront for the grill area.

Investments/Loans

City Manager Borgmann stated that he sent an e-mail to Council regarding the Administration's efforts to reduce the interest rates on the City's investments and loans. Staff spoke with the representative for investment banker Morgan Keegan who has offered some ideas and SunTrust also responded with a refinancing proposal that does not seem to be a good deal at this point. The City also has a General Obligation Bond for the Golf Course.

Handicap Parking Installation

City Manager Borgmann reported that handicap parking will be installed at Stafford Park in the swale area off East Drive in front of the new concession stand/restrooms and at the north end of the field. The parking will be paved and connected to the jogging path.

12C) City Council

Code Review Board

Councilman Best asked why the Code Review Board meeting for January 22nd was cancelled since Council had requested their review of the garage sale ordinance at the last meeting.

City Attorney Seiden responded that the Code Review Board is scheduled to meet on February 26, 2009.

Residential Burglaries

Councilman Dotson stated that there was discussion at the last meeting regarding the increase in residential burglaries and reorganizing the Neighborhood Crime Watch Program. He spoke with a citizen who was concerned about traffic in the alleyways and the throwing of heavy stones at windows that can be broken. He asked the Chief of Police if there were any additional strategies to combat the problem.

Chief of Police Baan responded that stopping a crime before it happens is more difficult than catching the criminals after the crime. The Police Department is taking proactive steps to address some of the points mentioned, which he cannot reveal. There were no burglaries last week and they are sure that the group that was committing the rash of burglaries has been identified.

Election Polling Place

Mayor Bain asked the Administration to be proactive by placing eye-catching colored information in the River Cities Gazette or a notice in the utility bill to let people know that the April 7, 2009 Municipal and Special Election will be held at the Golf Course.

City Clerk Magali Valls stated that Council gave direction to pursue changing the polling place to the Golf Course. The information will be published once final approval is received from the Elections Department after they evaluate the site.

Tree Trimming

Mayor Bain asked for a report to follow up on the complaint made under Open Forum regarding the trimming of trees on private property along the alleyways.

Councilman Garcia reported receiving calls from residents who were irate about the cutting of their trees along the alley and upon visiting the properties he noticed that the trees were not cut back onto private property. After his explanation, most understood why the trees were cut, but they would have preferred to receive a notice from the City.

Meeting

Mayor Bain said that it was exciting to attend Judge Farina's meeting at the newly renovated courthouse.

Dick Anderson

Mayor Bain stated that he had the unique opportunity to play nine holes of golf with former Miami Dolphin Dick Anderson who is a true gentleman, while celebrity honoree Al "Bessie" Besselink followed the group. A golf tournament will be held on February 20th and 21st to benefit Doctors Hospital, which is good for the community and exciting for the Golf Course.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:14 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 2/9/2009

Transcription assistance provided by S. Hitaffer and M. Newton